

Remarks

Applicant responds herein to each of the issues raised in the Office Action. Applicant appreciates the thorough examination of the present application and the indication of allowable subject matter in Claims 3, 5-10 and 13-15. Applicant submits the present application is in form for allowance for the reasons discussed below.

The Drawing Objections:

The drawings are objected to based on the assertion that the detection element of Claim 13 and comparator of Claim 14 are not shown. Office Action, p. 2. To obviate this objection, Claim 13 has been amended to delete reference to the detection element and Claim 14 has been canceled.

The drawings are also objected to as the Examiner asserts that the reference number "140" in Figures 2A and 2B does not point to the light transmissive window. Office Action, p. 3. While Applicant disagrees, replacement drawing sheets 2 and 3 are submitted herewith having the line from reference number "140" extended and an arrow placed thereon. Accordingly, Applicant requests withdrawal of all the drawing objections.

The Claim Objections:

Claims 3 and 8-10 are objected to in the Office Action. Office Action, p. 3. Claims 3 and 10 are objected to as not stating a relationship between the relay and the switching device in the preamble of Claim 1. Claims 3 and 10 have been amended to replace reference to a relay coupled to the photosensor with a reference to the switching device. Claim 8 has been amended to delete the objected to use of the term "with." Office Action, p. 3. Claim 9 has been amended to replace ";" with ":" as suggested by the Examiner. Office Action, p. 4. Accordingly, Applicant requests withdrawal of all the claim objections as obviated.

The Prior Art Rejections:

Claims 1, 2, 4, 11 and 12 stand rejected under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 4,774,613 to Okita *et al.* ("Okita"). Applicants submit the amended claims are patentable over Okita for the reasons discussed below.

Independent Claims 3, 5 and 8 Are in a Form Indicated as Allowable:

Claims 3, 5 and 8 have been amended to place them in a form indicated as allowable in the Office Action. Accordingly, Applicant requests an indication of allowance of independent Claims 3, 5, 8 and of Claims 6-7 and 9-10 that depend from respective ones of these independent claims.

Independent Claims 11 and 12 Are Patentable Over Okita:

Independent method Claim 11 recites, among other things, "bending a flexible mounting leg of the photosensor to a selected misalignment relative to the aperture to provide a desired sensitivity of the photocontrol device to light from the aperture." Claim 11 (emphasis added). In rejecting Claim 11, the Office Action asserts "it creates an angle with respect to 22c by bending 22e" and does not otherwise address the highlighted language. Office Action, p. 5. As the referenced angle is between the photosensor 22a and the base member 22c (relied on as disclosing the circuit board of Claim 11), the angle is not relative to the slits 22r relied on as the aperture in rejecting Claim 11. Thus, the Office Action fails to cite any basis for its assertion that Okita discloses or suggests at least the portion of Claim 11 highlighted above. Furthermore, it is clear from Okita that bending of the legs 22e does not change the relationship between the slits 22r and the photosensor 22a, instead the adjustment is made relative to the shutter member 23d. Okita, Col. 10, lines 5-24. If anything, Okita teaches away from having the relationship between the slits 22r and photosensor 22a changed. Accordingly, the rejection of independent Claim 11 should be withdrawn for at least these reasons.

Furthermore, the rejection of independent Claim 12 should be withdrawn for substantially similar reasons based on corresponding apparatus recitations therein ("to a selected angle to misalign the photosensor and the light transmissive window"). Claims 13 and 15 are also patentable at least based on their dependence on Claim 12.

Independent Claim 1 is Patentable Over Okita:

Independent Claim 1 has been amended to recite that the angle between the at least one flexible leg and the circuit board is adjusted "without moving the aperture." Thus, the

adjustment changes the relationship between the photosensor and the aperture. As discussed above, Okita does not disclose or suggest changing an angle between its slits 22r and its photosensor 22a. Accordingly, independent Claim 1 is patentable over Okita for at least these reasons. Applicants request withdrawal of the rejections of independent Claim 1 and Claims 2 and 4 that depend therefrom.

The Dependent Claims Are Patentable:

The dependent claims are patentable at least based on their dependence on one of the independent claims as discussed above. In addition, various of the dependent claims are separately patentable. For example, the Office Action indicated that Claims 13 and 15 each contained patentable subject matter and these claims are separately patentable at least for the reasons the Office Action acknowledged their patentability.

Claim 4 recites adjusting a magnitude of misalignment "between the photosensor and the aperture." While the Office Action asserts that such is disclosed by Okita at column 10, lines 25-33, as discussed above, Applicant submits that Okita includes no such disclosure or suggestion of adjusting a relationship between a sensor and an aperture. Accordingly, Claim 4 is separately patentable for at least these reasons.

Comments on Reasons for Allowance:

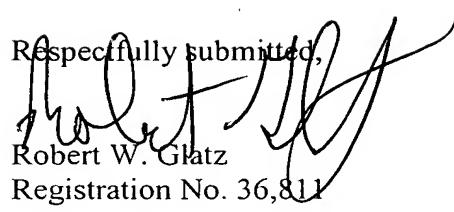
The reasons for allowance appear to have left out reference to Claim 8 and included recitations from Claims 8 and 13 in the reasons for allowance of Claim 13. The reasons for allowance also appear to have left out reference to Claim 15. Office Action, pp. 6-7. Applicant generally submits that each of the claims are patentable based on the recitations found therein.

Conclusion

In view of the above, Applicant submits that the pending claims are in condition for allowance and respectfully requests allowance of the present application. If further informalities are noted, the Examiner is encouraged to contact the undersigned by telephone to expedite allowance of the present application.

In re: Flaherty
Serial No.: 10/656,431
Filed: September 5, 2003
Page 10

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313-1450, on March 1, 2005.


Carey Gregory
Date of Signature: March 1, 2005

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In re: Flaherty
Serial No.: 10/656,431
Filed: September 5, 2003
Page 6

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 2A and 2B. These sheets replace previous sheets 2 and 3 and include an extended arrow for item "140."

Attachment: Replacement Sheets 2 and 3.